THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.20437 OF 2006

DATED 28.09.2006

Between:
P.Arjun Singh. … PETITIONER

versus

Municipal Corporation of Hyderabad,
represented by its Commissioner,
Tank Bund, Hyderabad, and another. … RESPONDENTS

WRIT PETITION NO.20437 OF 2006

ORDER:

The matter is coming up for admission today. Sri Ghanta Rama Rao takes notice on behalf of respondents.

2. Heard Smt. Kavita Gottipati, learned counsel representing the petitioners and Sri Ghanta Rama Rao, learned Standing Counsel for the respondents.

3. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in refusing to receive and process the application of the petitioner for building permission for construction of building in Pr.No.19-1-920/A, 20-1-919 and 920, situated at Pardhivada, Hyderabad, as it is not accompanied with No Objection Certificate and also basing upon the entry in TSLR, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to receive and process the application for building permission without insisting No Objection Certificate and without reference to entry in TSLR Certificate and pass such other suitable orders.

4. The learned counsel for the petitioner relied upon the

decision of this Court in W.P.Nio.18104/2006, dated 1.9.2006. It is needless to say that this Court repeatedly held that for receiving and processing the building application for building permission, No Objection Certificate from the revenue authorities cannot be insisted upon. It was also held by this Court that the entries made in the TSLR cannot be the sole basis and the Corporation authorities are bound to consider all the relevant documents and arrive at a conclusion.

5. In view of the same, the Writ Petition is disposed of with a direction to the respondent to entertain the application of the petitioner for building permission in relation to the subject matter of the Writ Petition without insisting upon No Objection Certificate from the revenue authorities and further considering the documents, which may be placed relating to the title and possession, and to dispose of the same in accordance with law. No costs.

28.09.2006

SSR